

#9

HIGGS, FLETCHER & MACK LLP

ATTORNEYS AT LAW

2600 FIRST NATIONAL BANK BUILDING
401 WEST "A" STREET
SAN DIEGO, CALIFORNIA 92101-7910

JOSH J. ELMORE

FOUNDED 1839
MEMBER, AMERICAN LAW FIRM ASSOCIATION
www.higgsfletcher.com

TEL: (619) 236-1551
FAX: (619) 696-1410
E-MAIL: info@higgsfletcher.com

elmorej@higgsfletcher.com
DIRECT DIAL: (619) 595-4372

August 21, 2002

VIA FACSIMILE [703-308-5077] ONLY

Ms. Latrice Sims
Deposit Order Account Branch
Assistant Commissioner for Patents
Washington, D.C. 20231

RE: Request for Credit to
Deposit Order Account No. 501760

Dear Ms. Sims:

It has come to our attention that there are currently some incorrect charges being levied against our Deposit Order Account No. 501760. The charges in question are listed in the July 2002 statement under "Posting Ref Txt" number 10/088,215. The charges that were entered against our account on 7/01/02 are for \$18.00 and the other for \$140.00. When reviewing our patent application, I determined these charges to be incorrect. The source of these mistakes is rooted in the Claims section of the fee transmittal. Originally, we submitted a total of 21 claims (see attached sheets). However, we also submitted a Preliminary Amendment concurrent with the submittal of the patent application. You will see on the copy of the preliminary amendment I have enclosed that we requested that claim 18 be canceled. This would bring the total amount of claims down to 20 and this would forfeit the \$18.00 charge.

With regard to the \$140.00 charge, I believe that it arose from the misconception that we were filing Multiple Dependent Claims. Thus, the reason for the Preliminary Amendment was to amend the claims from multiple dependency to dependent. The language in the claims supports our assertion that we were mistakenly charged the above amount for claiming multiple dependents.

I have enclosed copies of our transmittal sheets, Claims and Preliminary Amendment in that order.

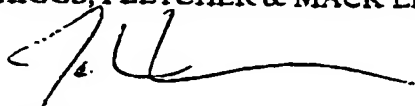
Ms. Latrice Sims
August 21, 2002
Page 2

HIGGS, FLETCHER & MACK LLP

Therefore, please credit our account in the amount of \$158.00. Please feel free to call me with questions. My number is 619-595-4372 and my fax number is 619-696-1410. Thank you for your attention to this matter and we await your response.

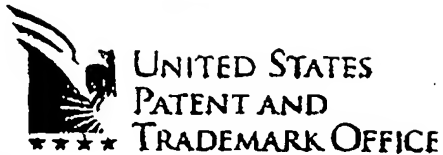
Very truly yours,

HIGGS, FLETCHER & MACK LLP



JOSH J. ELMORE

JJE/meb
Enclosures

**Deposit Account Statement**

Requested Statement Month: July 2002
Deposit Account Number: 501760
Name: HIGGS FLETCHER & MACK LLP
Attention: ACCOUNTS PAYABLE
Address: 401 WEST A STREET
City: SAN DIEGO
State: CA
Zip: 92112-4117

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
07/01	19	10088215	101159-26404	967	\$18.00	\$1,267.00
07/01	20	10088215	101159-26404	969	\$140.00	\$1,127.00
07/01	25	09472709	27002-0951	581	\$80.00	\$1,047.00
07/01	59	PAYMENT		701	-\$3,575.00	\$4,622.00
07/01	128	78139949		361	\$650.00	\$3,972.00
07/03	270	78140909		361	\$650.00	\$3,322.00
07/15	2	PAYMENT		701	-\$1,300.00	\$4,622.00
07/23	352	78146336		361	\$650.00	\$3,972.00
07/26	565	78147854		361	\$325.00	\$3,647.00
07/31	1	75852189	100269-50200	375	\$100.00	\$3,547.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$1,285.00	\$2,613.00	\$4,875.00	\$3,547.00

[Need Help?](#) | [Return to USPTO Home Page](#) | [Return to Office of Finance Home Page](#)

FORM PTO 1300 (REV. 12/2001)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 101159-26406
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (SEE RULES, SEC. 37 CFR 1.5) N/A
INTERNATIONAL APPLICATION NO. PCT/GB00/03057		INTERNATIONAL FILING DATE 08 August 2000		PRIORITY DATE CLAIMED 26 August 1999
TITLE OF INVENTION METHOD TO ERADICATE MITES AND TO DENATURE THEIR ALLERGENS				
APPLICANT(S) FOR DO/EO/US KENNETH HOULBROOK				
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:				
1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau) b. <input checked="" type="checkbox"/> has been communicated by the International Bureau c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input checked="" type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)). a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau) b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A FIRST preliminary amendment. 14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A change of power of attorney and/or address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter 2 and 35 U.S.C. 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> Other items or information.				

HIGGS, FLETCHER & MACK LLP

ATTORNEYS AT LAW

FOUNDED 1939

MEMBER, AMERICAN LAW FIRM ASSOCIATION

2800 FIRST NATIONAL BANK BUILDING
401 WEST "A" STREET
SAN DIEGO, CALIFORNIA 92101-7913TEL: (619) 238-1551
FAX: (619) 698-1410
E-MAIL: info@higgslaw.com**FACSIMILE TRANSMISSION****DATE:** August 21, 2002**Our File No.:** 664-101159-26404**To:**

NAME	FAX NO.	PHONE NO.
U.S. Patent and Trademark Office Attention: Ms. Latrice Sims, Deposit Order Account Branch	703-308-5077	703-305-4229

FROM: Josh J. Elmore**PHONE:** 619-595-4372**NUMBER OF PAGES WITH COVER PAGE:** 12**ORIGINAL WILL NOT FOLLOW****MESSAGE:****Dear Latrice:****Enclosed please find a request for credit to Deposit Order Account No. 501760.****CAUTION - CONFIDENTIAL**

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (619) 595-4367
AS SOON AS POSSIBLE.**


**AUTHORIZATION TO PAY AND PETITION
FOR THE ACCEPTANCE OF ANY NECESSARY FEES**

If any charges or fees must be paid in connection with the foregoing communication (including but not limited to the payment of an extension fee or issue fees), or if any overpayment is to be refunded in connection with the above-identified application, any such charges or fee, or any such overpayment may be respectively paid out of, or into, the Deposit Account No. 501760 of Higgs, Fletcher & Mack LLP. If any such payment also requires a Petition or Extension Request, please construe this authorization to pay as the necessary Petition or request which is required to accompany the payment.

Dated: Feb 25, 2002

Respectfully submitted,

HIGGS, FLETCHER & MACK LLP

By 
Charles F. Reidelbach, Jr.
Attorney for Applicant
Registration No. 36,649

HIGGS, FLETCHER & MACK LLP
401 West "A" Street, Suite 2600
San Diego, California 92101-7910

Telephone: (619) 236-1551

US APPLICATION NUMBER: 37 CFR
N/AINTERNATIONAL APPLICATION NO.
PCT/GB00/02057ATTORNEY'S DOCKET NUMBER
101159-26404

21 <input checked="" type="checkbox"/> The following fees are submitted BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)). Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. ... \$1040.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ... \$890.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ... \$740.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ... \$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ... \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS PTO USE ONLY 	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30				\$ 890.00 \$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	21 - 20 =	1	x \$18.00	\$ 18.00	
Independent claims	1 - 3 =	0	x \$84.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				x \$280.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 1,038.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				(519.00)	
SUBTOTAL =				\$ 519.00	
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)) <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30				\$	
TOTAL NATIONAL FEE =				\$ 519.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 519.00	
				Amount to be refunded:	\$
				charged:	\$

- a ☐ A check in the amount of \$ _____ to cover the above fees is enclosed
- b ☒ Please charge my Deposit Account No. 501760 in the amount of \$ 519.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
overpayment to Deposit Account No. 501760. A duplicate copy of this sheet is enclosed.
- d ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card
information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Higgs, Fletcher & Mack LLP
 401 West A Street, Suite 2600
 San Diego, CA 92101


 SIGNATURE

Charles F. Reidelbach, Jr., Esq.

NAME

Registration No. 36,649

REGISTRATION NUMBER